

OCT 13 2021

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Vs.

Ricardo Gonzalez
Bonifacio Castro-Garcia

CRIMINAL COMPLAINT

Case Number: C-21-1272M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about October 11, 2021 in Kenedy County, in the

(Date)

Southern District of Texas, defendant,

Ricardo Gonzalez
Bonifacio Castro-Garcia

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent

Aubrey Ward

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

Signature of Complainant

Aubrey Ward

Printed Name of Complainant

October 13, 2021

Date

at

Corpus Christi, Texas

City and State

Julie K. Hampton U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

FACTS/DETAILS:

On October 11, 2021, at approximately 9:20 p.m., Border Patrol Agents were assigned roving patrol duties north of the Javier Vega Jr. Border Patrol checkpoint on Highway 77 near Sarita, Texas. Agents observed a light in color SUV with temporary paper plates travelling southbound on Highway 77 suddenly brake and turn on the first crossover just south of the rest area. The vehicle proceeded north. The agent made a turn at the next crossover to follow the vehicle north. The agent observed the same SUV leaving the rest area and merging back on to Highway 77 north. The agent let the SUV pass him and he observed people attempting to get low in the vehicle in what appeared to be an attempt to conceal themselves. The agent performed a vehicle stop using a marked service vehicle with emergency equipment and another agent assisted as backup.

As the agent approached the vehicle several male subjects wearing dark clothing hunched down on top of folded down seats. The agents instructed the heavy-set male driver and front seat passenger who was wearing a pink shirt to exit the vehicle. Both complied and were asked their immigration status. The front seat passenger, later identified as Bonifacio Castro-Garcia, admitted he was a national of Mexico illegally present in the United States. The driver, identified as Ricardo Gonzalez was placed under arrest. Six other subjects in the vehicle were determined to be nationals of Mexico illegally present in the United States. All subjects were placed under arrest and transported to the Kingsville Border Patrol station for further investigation.

All subjects were read their rights in their preferred language and signed accordingly that they understood their rights. Gonzalez, Castro-Garcia, and three out of the six illegal aliens were willing to provide statements without an attorney present. The remaining subjects invoked their right to legal counsel.

DEFENDANT STATEMENT: (Ricardo Gonzalez)

Gonzalez stated to agents immediately after being read his Miranda rights he was coming down to Harlingen to sell a vehicle. When he was near the rest area on Highway 77 his vehicle started to overheat so he turned around to park at the rest area. Two guys approached him and asked for a ride. He agreed he would give them a ride. All the sudden more guys came and jumped in his vehicle. He started driving but was quickly stopped by Border Patrol.

Gonzalez was advised to pause as his statement needed to be recorded and he decided to decline to provide any more statements.

DEFENDANT STATEMENT: (Bonifacio Castro-Garcia)

Castro-Garcia stated to agents he was the one guiding the group of six illegal aliens through the brush. They were all dropped off on the side of Highway 77 to walk around the checkpoint. He gave instructions to the illegals to follow him by using his phone's map to guide them. He had two phones, but they ran out of battery. He borrowed one of the alien's phones to communicate

with the lead driver Ricardo Gonzalez. Once they arrived at the pickup area next to the rest area on Highway 77, he sent Gonzalez an audio message through WhatsApp to park in front of the tanker truck at the rest area. As soon as Gonzalez parked, they all started to run towards the vehicle and jumped in. He sat in the front seat while the other six jumped in the back.

Castro-Garcia stated he was charging \$900 each alien to guide them through the brush.

Castro-Garcia identified Gonzalez on a photo lineup as the person who picked them up.

MATERIAL WITNESS STATEMENT: (Francisco Javier Hernandez-Lopez)


Hernandez-Lopez stated to agents he illegally crossed through Brownsville, Texas. He was picked up from a hotel with five others. The brush guide was in the front seat, and they were dropped off on the side of the road to circumvent the checkpoint. Castro-Garcia gave instructions to the group to follow him in the brush. He stated Castro-Garcia had two phones but was constantly on them and the batteries died. He asked to borrow his phone so he could continue making calls.

Hernandez-Lopez gave consent to agents to look through his phone contents. Messages corroborated his statement with an audio message from Castro-Garcia to a number saved as Rik instructing the driver to park in front of the tanker truck.


Hernandez-Lopez identified Castro-Garcia as being the brush guide on a photo lineup. He could not identify any of the photos shown for the driver but described him as a heavy-set male.

DISPOSITION:

The facts of this case were presented to the Assistant United States Attorney Office who accepted Ricardo Gonzalez and Bonifacio Castro-Garcia for prosecution of 8 USC 1324, Alien Smuggling. Francisco Javier Hernandez-Lopez will be held as a material witness.


Aubrey Ward
Border Patrol Agent

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on this day October 13, 2021.


Julie K. Hampton
United States Magistrate Judge